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**WESTERN**

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July 28, 2003  
Via FedEx

Docket Management Facility  
U.S. Department of Transportation  
Room PL-401  
400 Seventh St., SW  
Washington, DC 20590-0001

Re: Docket #USCG-2003-14733 – Area Maritime Security

To Whom It May Concern:

We believe that this issue is so important and acknowledge the Coast Guard's effort to ensure port security. That being said, we do believe more time to fully digest the rules, would have made for better commentary and an opportunity to discuss our opinions with other port users and terminal operators.

We believe fumigators and fumigation operations performed on port property or in port terminal buildings should be included in port security plans.

Port fumigators use hazardous gas in several forms, including pressurized 100 lb. cylinders, to eliminate insects, rodents and plant disease. At the ports, our work is largely conducted on site to treat imported or exported cargoes. The reasons for the treatments include 1) USDA-APHIS quarantine fumigations to treat imported commodities with non-indigenous insects or plant disease; 2) FDA detentions of cargo; 3) as a food industry sanitation standard to eliminate insects from imported commodities, such as cocoa beans, to prevent adulterated finished food products; 4) to meet foreign government quarantine requirements for US exports.

In the course of our work, we routinely transport hazardous materials, such as cylinderized toxic gas, onto port facilities. In the case of one fumigant, methyl bromide, it is produced in the US as well as imported from countries such as Israel and China. US production facilities are regulated and subject to on site inspection audits by a variety of US agencies. In our opinion, it would be extremely difficult to verify the contents of cylinders of gas from foreign suppliers. We call attention to this issue because, quite by accident, in 1993 we received cylinders of contaminated hazardous gas from a careless formulator / distributor. This created a very unfortunate and costly chain of events.

Currently there is weak enforcement of our industry, although we are regulated by the Environmental Protection Agency (EPA), Department of Transportation (DOT), Occupational Safety & Health Administration (OSHA) and countless other agencies. We are concerned that our industry could be a weak link in the overall US Homeland / Port Security initiatives.

Our work is generally performed at night or after all other workers have left port terminals, for safety reasons. The only other personnel allowed are USDA-APHIS fumigation inspectors, who are not on site in a security capacity. Their function is to be sure the fumigations are meeting USDA quarantine standards.

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DEPT OF TRANSPORTATION  
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We would like to suggest the following to be included in Port Security Plans:

- 1) Port terminal gate guards should check for:
  - a. DOT Hazmat placards and DOT registration numbers on trucks.
  - b. Commercial Driver's License (CDL's) should be checked to be sure the Hazmat Endorsement is there. This detail will be critical for the new Transportation Security Administration (TSA) mandate for security, including FBI, immigration, criminal, etc. background checks. Only CDLs with the Hazmat Endorsements will be checked by TSA.
  - c. photo ID - soon to be Transportation Worker Identification Credential (TWIC)
- 2) Terminal / port facilities should require:
  - a. permission to search vehicles entering port facilities.
  - b. emergency response plans should be provided by the fumigator.
  - c. Standard Operating Procedures (SOPs) the fumigator follows in port operations, hiring procedures and notification to first responders.
  - d. use of only US produced fumigants. These production facilities can be checked by a variety of government agencies. It is difficult to do any verification of cylinder contents supplied by foreign manufacturers / distributors.
  - e. no storage of hazardous materials/fumigants on port property.
- 3) Membership in Customs Trade Partnership Against Terrorism (C-TPAT) when it is opened to fumigators.


In summary, we are working in sensitive areas with imported food products destined for the American consumer. We are transporting hazardous materials onto port facilities. We are prepared to work with the US Coast Guard to assist in practical port programs for US ports of entry.

In an effort to help overseas shippers we recently conducted a workshop in South America for over 300 companies featuring US Customs; FDA and former Captain of the Port (COTP), Capt. Gregory Adams of the US Coast Guard. The goal of the meeting – To communicate new US Antiterrorism and Homeland Security Initiatives. As an attachment to this communiqué, I am attaching two presentations dealing with methyl bromide and the Role of Fumigators in Port Security.

We would be pleased to serve on the Area Maritime Security Committee (AMSC). Western Fumigation, Inc. is a division of Western Pest Services, with headquarters in Parsippany, New Jersey. We have 30 branch offices throughout the mid Atlantic states and over 800 employees. In addition, we have national service capabilities through a network of affiliates. We are members of the National Pest Management Association (NPMA), as are the majority of US fumigators; and we serve on their Fumigation Committee. We are also members of the Maritime Exchange for the Delaware River and Bay and working with them on the TSA pilot program for TWIC, by serving on both the Background Check and Enrollment Committees.

I hope this information proves useful to you in your rulemaking process. Please contact me or Miriam Borja.

Very sincerely,

  
Barbara Hunter  
Director, Imported Commodities

Attachments (2)

c: M. Borja



## **“The Role of the Fumigator in Port Security”**

By Barbara Hunter  
July 15, 2003 – Santiago, Chile

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FUMIGATION

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### Delaware River Port Terminals

## **Fumigation Givens:**

- Fumigators work at night.
- Only fumigation team and 2-6 USDA inspectors on site.
- USDA ...not there in a security role.
- The port facilities are expansive.
- Fumigators are highly regulated...*but enforcement is weak.*



***Fumigators could be a weak link in the security chain.***

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FUMIGATION

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#### Delaware River Ports

## **Security risks**

### The Basics:

1. People / employees
2. Methyl bromide source / chain of custody
3. Documentation
4. Transport vehicles – trucks
5. Compliance & oversight
6. Security criteria for port terminals



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#### Fumigation at Delaware River Port Terminals

## **To Minimize Risk, You Need to Know:**

- Who is transporting and handling the methyl bromide?
- What are their credentials to meet government requirements?
- Where are written SOP's outlining safety & security program, emergency response plans, copies of licenses, certifications, etc.?
- What is screening procedure to enter a fruit terminal?
- Do port terminals have SOP's for fumigators, as part of HACCP and security plans?
- What is source of methyl bromide?...US or foreign?

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## Government Agencies

# Compliance Increases Security



*Environmental Protection Agency (EPA)*



*Department of Transportation (DOT)*



*Department of Homeland Security (DHS)*



*Transportation Security Administration (TSA)*



*US Department of Agriculture (USDA)*



*Immigration & Naturalization Service (INS)*



*Occupational Safety & Health Admin. (OSHA)*



*Food & Drug Administration (FDA)*

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## HACCP & Fumigation

# Western's HACCP Approach to Fumigation

- Analyze all Critical Control Points.
- Take steps to reduce or eliminate risk.
- Write Standard Operating Procedures (SOPs) to address all aspects of the process.
- Chart the flow of gas, materials and people.
- Conduct vendor verifications.
- Document what we do.



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## Security risks

### The Basics:

1. People / employees
2. Methyl bromide source / chain of custody
3. Documentation
4. Transport vehicles – trucks
5. Compliance & oversight
6. Security criteria for port terminals



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### Western Security Measures - The Basics

## 1. The People...Career Professionals

- Pre-employment...and *ongoing*, random screening and background checks:
  - Criminal
  - Immigration status
  - Drug and alcohol
  - Driving
  - Health
- Screening by independent contractor.



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## Career Professionals

- Training:
  - Technical
  - Security & safety
  - HAZMAT
  - Food safety



*After passing all training...*

- Apprenticeship toward...
- Fumigation certification (all applicators, all states)

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## 2. Methyl bromide

- Direct source of supply.
  - No foreign suppliers
  - No middlemen distributors
- Documented stewardship program for managing, handling, transporting and storing.
- *Always* locked or guarded.
- Never stored at the port.
- Secure chain of custody.



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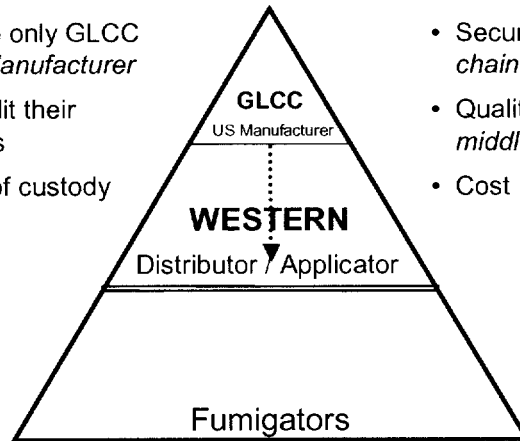


## Western Security Measures – The Basics

### Methyl bromide

#### Direct supply:

- We use only GLCC  
– *US Manufacturer*
- We audit their facilities
- Chain of custody



#### Advantages for Chile:

- Security – *Direct chain of custody*
- Quality control – *No middlemen.*
- Cost

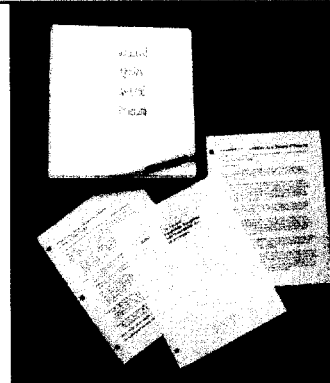
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## Western Security Measures – The Basics

### 3. Documentation

- Standard Operating Procedures
  - Safety
  - Security
  - Training
  - Employee screening, etc.
- Emergency Response Plans
- Fire & police department notification
  - *Every fumigation*
- Fumigation reports
- Etc.

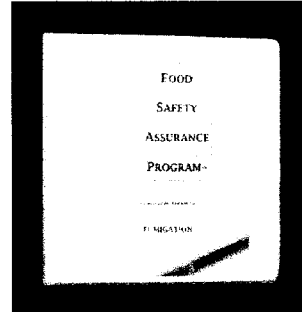


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## Documentation & Food Safety Program

- Documented fumigation book at each fruit terminal.
- One component of HACCP-based Food Safety & Security Program initiated by Western in 2001 for fruit terminals.
- We underwrote all costs to install it at fruit terminals, where we provide service.
- Holt & Tioga were food safety certified August 2002.



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## Our Partners in Food Safety



HOLT



DRS/Tioga

Today, Holt and Tioga maintain and pay for their own programs and audits.

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Western Security Measures – The Basics

## Methyl Bromide Transport

(new regulations - US Patriot Act – Effective May 2003)

For drivers requiring CDLs with HAZMAT Endorsement:

- “...States are prohibited from issuing, renewing, transferring or upgrading a CDL with HAZMAT endorsement, unless TSA has first conducted a background check of applicant and determined the applicant does not pose a security risk...”
- “...background checks include a review of criminal, immigration and FBI records. Applicants must provide fingerprints...”

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**WESTERN FUMIGATION**

Western Security Measures – The Basics

## 4. Transport Vehicles...as required by DOT

- Trucks are type & configuration specified for HAZMAT.
- Have product manifest, Material Safety Data Sheet (MSDS), driver's log, HAZMAT directory, placarding, DOT number, etc.
- Driver must have CDL with HAZMAT Endorsement.



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## US Patriot Act...“Loopholes”!

### Bypassing new security initiatives:

1. The new background check requirement does *not* apply for CDLs *without* a HAZMAT Endorsement.
2. Trucks *without* a HAZMAT placard, DOT number or state registration number, have low risk of being stopped by enforcement agents.
3. Trucks with no DOT identification, are not stopped...therefore, CDL's are not checked.

*Fumigators are required to have both 1 & 2*

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## 5. Compliance and Oversight

- Compliant with all federal, state and local regulations.
- Going beyond the law to set higher standards:
  - Background checks
  - 3<sup>rd</sup> party, independent oversight
  - Direct source of methyl bromide
  - Documentation & SOP's
  - Certified applicators



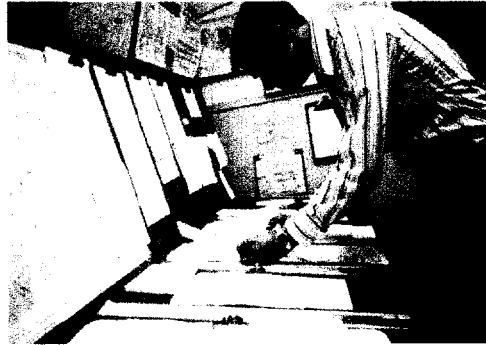
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## Compliance & Oversight

### Our Compliance Officer...

- Updates SOP's & retrain the staff.
- Reviews practices and procedures.
- Serves on vital, port committees.
- Tracks changing regulations & implements them.



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### The Basics

## 6. Criteria – Fruit Terminals

- Vehicles must have DOT placard with DOT and state registration #'s.
- Drivers must have CDL with HAZMAT Endorsement.
- Terminals need SOP's for fumigators, as part of HACCP-based food safety and security programs.
- Fumigators to supply SOPs, Emergency Response Plans, proof of certification, licensing, and screening program for employees.
- Fumigators in uniforms with photo ID...until TWIC.



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## Next Steps:

1. Continue to monitor changes in regulations and implement them.
2. Serve on the (TSA) Enrollment and Background Check Committees.
3. Pursue Customs-Trade Partnership Against Terrorism (C-TPAT) for fumigators.
4. Continue food safety and security initiatives started in 2001.
5. Continue to bring meaningful programs to Chile.



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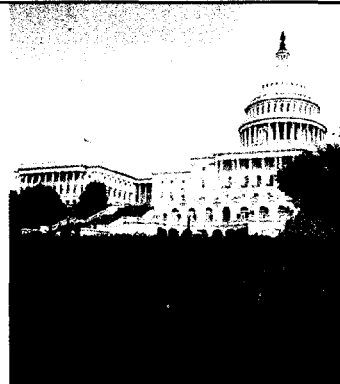
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## In Summary

1. It is easy to overlook fumigators in security plans.
2. Homeland Security is fast-paced and ever evolving.

*There are 6 new (July 1, 2003)  
DHS Interim Rules for maritime  
activities & port security plans.*

3. Request that fumigators be included in US port security plans, developed by fruit terminals.
4. Western is in full compliance, participating in the process and will continue to work for Chile's interests.



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# HOMELAND SECURITY

## Methyl Bromide:

- Important Safety & Security Considerations

Presented by:

Wayne Ausk, Global Product Mgr.  
July 15, 2003

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## Methyl Bromide

### Key Elements of Security:

- Packaging and traceability
- Quality control procedures (*contents of the cylinder*)
- Training, documentation and communication
- On-site audits of distributors
- Help line in case of emergencies



## Methyl Bromide

### Packaging and Traceability:

- Tamper evident seals on bonnets.
- Shrink wrapped valves
- Cylinder tracking by serial number
- Web based cylinder tracking reports



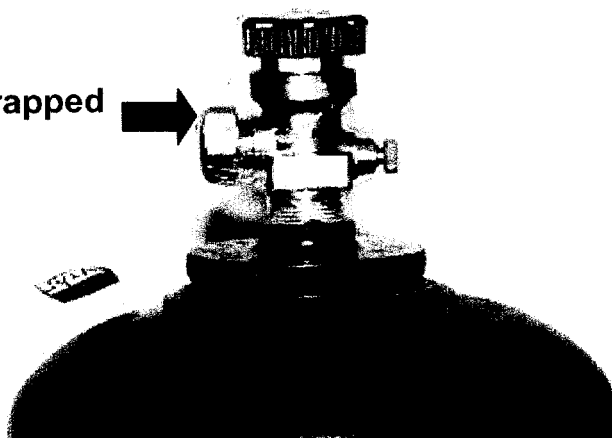
## Meth-O-Gas®

Tamper evident seal



## Meth-O-Gas®

Shrink wrapped  
valves



## Meth-O-Gas®

Tracking buttons

- Cylinders are tracked by serial number
- Web based reporting
- Transponders



## Methyl Bromide

### Quality Control - Contents of the Cylinder:

- GLCC manufactures and cylinderizes only methyl bromide at their facilities.
- Strict security & access requirements, in force.
- Fully compliant with all US federal and state regulations for manufacturing, handling and shipping hazardous materials.
- Can be audited at any time by various US agencies for security, manufacturing practices and compliance with the Department of Homeland Security (DHS).



## Methyl Bromide

### Training, Documentation & Communication:

- All distributors must pass GLCC training.
- Written “stewardship” programs required:
  - Handling practices
  - Storage
  - Training
- Available at any time by phone or e-mail.
- “*Fumigation Fax*”...written alert mechanism for distributors.



## **Methyl Bromide**

### **On-site Audits of Distributors:**

- Storage practices
- Documentation
- Safety



## **Methyl Bromide**

### **Help Line...24 hours a day!**

To avoid problems...or to correct or contain situations before they get bigger.

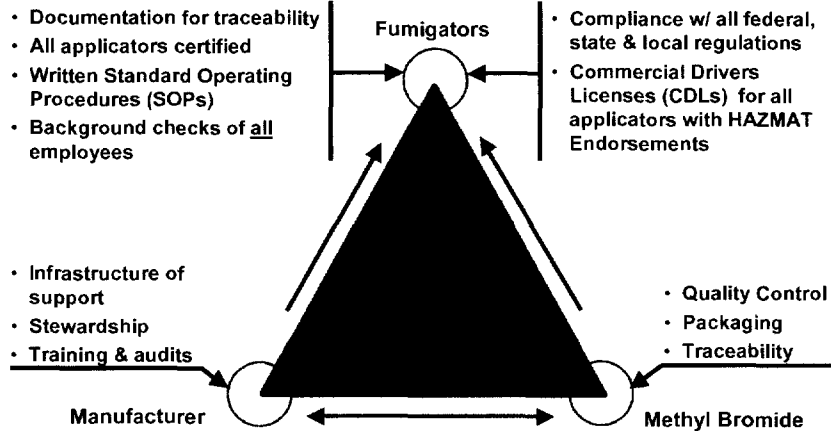
Help is available:

- By phone
- On-site
- By e-mail



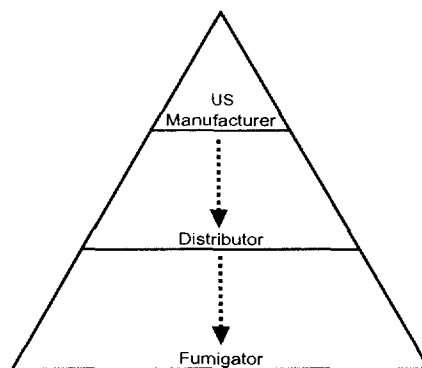
## Methyl Bromide

### Security Solution Triangle



## Methyl Bromide

### The Three levels of "Control"



**All three levels must work together**

## Methyl Bromide

### Security Summary:

- In the US, antiterrorism is *everyone's* job.
- Methyl bromide is manufactured, transported, stored and used to fumigate Chilean fruit.
- Strict regulations are on the books regulating fumigators...*but* enforcement is weak!
- It is up to you to verify SOPs, documentation, compliance and source of supply - to ensure the fumigation link in the "*farm to fork*" chain is secure.



## Methyl Bromide

### Security Summary: (continued)

- We are proud of our relationship with Western. Our stewardship program was modeled after Western's program in 1993...after the fruit on the Nordenham was treated with methyl bromide, contaminated by one of our 120 distributors.
- Today we have 8 distributors...Western is one.
- Western recently audited our facility in West Lafayette, Indiana to review *our* security practices...We passed!

